

# **BOARD OF DESIGN REVIEW MINUTES**

**May 9, 2002**

**CALL TO ORDER:** Chairman Stewart Straus called the meeting to order at 6:36 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive

**ROLL CALL:** Present were Chairman Stewart Straus; Board Members Cecilia Antonio, Hal Beighley, Mimi Doukas, Ronald Nardoza and Jennifer Shipley. Board Member Monty Edberg was excused.

Development Services Manager Steven Sparks, Senior Planner John Osterberg, Associate Planner Sambo Kirkman, Associate Planner Liz Shotwell, Associate Planner Scott Whyte, Associate Planner Tyler Ryerson, Senior Transportation Planner Don Gustafson and Recording Secretary Sandra Pearson represented staff.

## **VISITORS:**

Chairman Straus read the format for the meeting and asked if any member of the audience wished to address the Board on any non-agenda item.

**CASEY SCHLEICH** mentioned that although she had intended to testify with regard to the application for TPP 2001-0008 – Beaverton High School Cafeteria and Parking Lot Expansion, she has been advised that this specific proposal, which is neither relevant to the items on tonight's agenda nor within the purview of the Board of Design Review, had been approved by the Historic Resource Review Committee on April 30, 2002.

## **STAFF COMMUNICATION:**

On question, staff indicated that there were no communications at this time.

## **OLD BUSINESS:**

## **CONTINUANCES:**

Chairman Straus opened the Public Hearing and read the format of the hearing. There were no disqualifications of Board Members. No one in the audience challenged the right of any Board Member to hear any agenda items or participate in the hearing or requested that the hearing be postponed to a later date. He asked

if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda.

Observing that he had been involved with the proposal for the Sunset High School Site and Parking Lot (BDR 2001-0212), Mr. Beighley recused himself from participating in the decisions with regard to both BDR 2001-0213 and APP 2002-0003 -- Sunset High School Site and Parking Lot Appeal of BDR 2001-0212.

**A. BDR 2001-0213 -- BEAVERTON HIGH SCHOOL CAFETERIA AND PARKING LOT EXPANSION TYPE 3 DESIGN REVIEW**

*(Continued from March 28, 2002)*

The following land use application has been submitted to construct a new two-level, 30,000-square foot cafeteria building located directly north of and connecting to the existing high school building. The proposal includes construction of a new two-level, 30,000-square foot cafeteria building located directly north of and connecting to the existing high school building, new parking area, and associated landscaping. The development proposal is located at 13000 SW 2<sup>nd</sup> Street; Washington County Assessor's Map 1S1-16AD, on Tax Lots 11100, 11000, 02900, 07100 and 10900 and 1S116AC, on Tax Lots 02100 and 02500. The site is zoned Urban Low Density (R-10) and is approximately 27 acres in size. A decision for action on the proposed development shall be based upon the approval criteria listed in Section 40.10.15.3.C.

Associate Planner Sambo Kirkman presented the Staff Report and briefly described the proposal and the responsibilities of the Board of Design Review with regard to making a decision on this application. Observing that there have been several revisions to the Staff Report, she noted that the Memorandum, dated May 9, 2002, identifies these revisions, and mentioned corrections to this Memorandum due to a slight numbering error, noting that Condition No. 20 is actually Condition No. 19; Condition No. 21 is actually Condition No. 20; Condition Nos. 22 and 23 are actually Condition Nos. 21 and 22; and Condition Nos. 24 and 25 are actually Condition Nos. 23 and 24. She referred to a second Memorandum, also dated May 9, 2002, which contains supplemental information with regard to this application that the Board might wish to consider in making a decision. She discussed several other applications and Public Hearings that are related to this specific proposal, including the Planning Commission's approval of the application for the expansion of the Beaverton high School campus. The Planning Commission approved this application and included three additional Conditions of Approval, as follows:

6. Providing a morning student drop-off area along SW Erickson Street;
7. Providing a pedestrian plaza;
8. Providing a wooden barrier along the southern property line of Parking Lot "H" to SW Erickson Street to provide screening for the adjacent property owner.

Ms. Kirkman discussed the Historic Resource Review Committee's approval of a Tree Preservation Plan associated with this proposal, providing for the removal of 20 historic trees, including Tree No. 47, which is located at the northeast corner of the campus.

Ms. Kirkman pointed out that staff would like to bring three issues to the attention of the Board for consideration, as follows:

1. Staff recommends that the barrier along the southern property line of Parking Lot "H" be placed on the Beaverton School District's property to ensure that the Beaverton School District, rather than the property owner to the south, is responsible for the maintenance and upkeep of the barrier;
2. Staff recommends that Tree No. 47 be preserved, rather than removed; and
3. Staff recommends that the design of the area east of the Merle Davies School Building be left in its present condition since staff has not been provided with any actual design site plans for this area.

Ms. Kirkman submitted a copy of the applicant's materials board and a copy of an additional proposed Condition of Approval. She recommended approval of the application, with one additional Condition of Approval, specifically stating that the wooden barrier between the Beaverton School District property and the parcel south of Parking Lot "H" shall be located on the property of the Beaverton School District and that any necessary maintenance and repair shall be the responsibility of the Beaverton School District. Concluding, she offered to respond to questions.

Ms. Doukas requested clarification of whether further information has been provided with regard to the actual design of the bus stop.

Ms. Kirkman advised Ms. Doukas that information with regard to the design of the bus stop is not available at this time, adding that certain criteria within the Development Code addresses this issue.

Ms. Doukas referred to the proposed reduction in vehicle and bicycle parking stalls, observing that the Planning Commission had reviewed this issue in connection with the application for a Conditional Use Permit (CUP) and not under consideration at this time.

Ms. Kirkman informed Ms. Doukas that the actual design of the bicycle parking, rather than the proposed reduction in parking stalls, is relevant to the Design Review application under consideration at this time, adding that the proposal does meet the minimum long-term bicycle parking requirements.

**APPLICANT:**

**FRANK ANGELO**, representing *Angelo, Eaton & Associates* on behalf of the Beaverton School District, observed that Russ Pitkin of *LSW Architects* would be providing the majority of the presentation with regard to the proposed design elements. He provided a brief overview and history of the project, noting that this particular application involves the fifth land use action with regard to this specific proposal. Pointing out that Beaverton High School has a current enrollment of approximately 1800 students, he explained that the forecast projects an increase in enrollment over the next three to four years for a total of approximately 2200 students at this facility. He mentioned that although there had been 2200 students attending Beaverton High School at one time, the construction of Southridge had caused a temporary decline in the enrollment at the facility. He discussed the proposed two-story cafeteria, adding that the existing cafeteria would be converted for use for educational purposes to accommodate the additional students. Observing that alternative locations for the cafeteria had been considered, he explained that the proposal is the most appropriate location, adding that this proposal does preserve the fields both in front and in back of the high school. He noted that the applicant's intent is to create a unified urban campus while providing for both bicycle and pedestrian connectivity throughout the campus. He pointed out that the applicant is in general agreement with staff recommendations, adding that he would like the opportunity to discuss some of the Conditions of Approval. Concluding, he offered to respond to any questions, adding that representatives of the Beaverton School District, the Landscape Architect, the Civil Engineer and the Transportation Planner are also available for comment.

**RUSS PITKIN**, representing *LSW Architects* on behalf of the Beaverton School District, provided a brief history of the building and site, observing that the facility, which was constructed in 1902, is 100 years old. Noting that the original building had burned down, he pointed out that a new building had been constructed in 1915, adding that there have been multiple additions and remodels to the structure since that time. He mentioned that a number of seismic issues in the structure have prevented the district from expanding the existing cafeteria, as originally intended. He discussed storm water management and exterior landscaping on the site, observing that this is comprised of indigenous plant materials that would survive with minimal water consumption. Referring to issues with regard to energy and atmosphere, he also mentioned issues regarding the indoor air quality and the use of materials in the structure that would be recyclable. He pointed out that on-site construction waste-management would utilize any of the materials being removed from the existing street and other paved areas. He provided an illustration of the overall campus plan and indicated the proposed location for the cafeteria, noting that this would serve to tie together the campus of Beaverton High School and the Merle Davies School. Referring to an elevator located at the north side of the proposed cafeteria building, he observed that this elevator accesses both the second level and a lower half-level to

the entry of the Merle Davies School. He pointed out that a direct connection to Beaverton High School exists at the second level of the cafeteria, noting that the vacated street would create a realignment of SW 2<sup>nd</sup> Street, providing a safer intersection and a pedestrian pathway beneath the skywalk connecting SW Stott Street and SW Erickson Street. He provided an illustration of the facility from SW Erickson Street facing the east, including Beaverton High School and the west elevation of the proposed cafeteria building. He indicated the proposed student drop-off zone and described guest and handicapped parking within the cul-de-sac, adding that this area could also provide possible parking for staff. Observing that the area would remain open throughout the entire day rather than gated off, he provided a packet including a conceptual sketch of a bus plaza proposed in the northeast corner of the site. He noted that this packet also includes an illustration of an elevation including the elements of this proposal, as well as a photograph of the existing site.

Noting that the proposed bus stop on SW Farmington Road would serve Tri-Met buses, Chairman Straus requested clarification of where school buses parking on SW 2<sup>nd</sup> Street would end up.

Mr. Pitkin advised Chairman Straus that these school buses would be stacked up on both sides of SW Erickson Street and along SW Stott Street in the afternoons.

Mr. Angelo reiterated that the vacation of SW 2<sup>nd</sup> Street necessitates moving the bus loading and unloading off of SW 2<sup>nd</sup> Street, adding that ten northbound buses would be located on SW Erickson Street and up to 11 or 12 southbound buses would be located on SW Stott Street. Observing that 18 or 19 buses currently serve the school, he noted that the estimated enrollment increase would result in a total of 21 or 22 buses. He explained that the special education buses would enter into the front and drop off students either within the traffic circle or off of SW Stott Street.

Noting that there is currently parking all along SW Erickson Street and SW Stott Street, Chairman Straus pointed out that this parking is used by students and possibly by staff

Mr. Angelo informed Chairman Straus that although this on-street parking would be eliminated, the on-site parking would be increased from 311 to 432 total parking spaces, adding that this on-site parking would address both the proposed increase in enrollment and lost parking spaces on the street. He emphasized that this would adequately serve both the proposed 2200 students and necessary staff, observing that the City of Beaverton parking standard would be met.

Ms. Shipley questioned whether the proposed parking area south of the tennis courts would be open throughout the school day.

Observing that the future parking area south of the tennis courts would provide student parking, Mr. Pitkin advised Ms. Shipley that this area would be gated off during the day.

Observing that she is aware that Beaverton High School would be an open campus, Ms. Doukas requested a basic outline of the general areas to be fenced off and the locations of the gates.

Mr. Angelo indicated the parking areas on the illustration, pointing out that parking lot "H" would be gated, adding that SW 2<sup>nd</sup> Street is currently an eastbound one-way street and is gated after the school buses are unloaded, SW 2<sup>nd</sup> Street is gated for the remainder of the day until school is out.

Ms. Doukas referred to the other two parking lots located to the west of the site.

Mr. Angelo informed Ms. Doukas that these two parking lots would be gated as well.

Ms. Doukas requested clarification of whether this involves an ornamental-type fencing and gate system.

Mr. Angelo pointed out that the existing swing gates would be relocated.

Observing that with the school buses parking along SW Erickson Street, Ms. Shipley questioned where parents would be able to park and wait to pick up students.

Noting that this had been thoroughly discussed by the Planning Commission, Mr. Pitkin explained that one of their Conditions of Approval had provided that bus parking not be permitted from the new entrance 60 feet back to a sign designating student drop-off and pick-up areas.

Ms. Shipley requested clarification of whether the opposite side of the street would be open as well.

Pointing out that bus parking would continue to occur in this location, Mr. Pitkin pointed out that students could be dropped off here or within the traffic circle in the morning, adding that the west side of SW Erickson Street would remain open. He emphasized that this had been conditioned by the Planning Commission, adding that Ms. Kirkman had provided this information on the first page of her Memorandum (Condition #6).

Mr. Pitkin referred to the samples that had been provided for the actual building, observing that these duplicate the colors of the existing facility. He provided an illustration of the proposed structure, including the addition of lighting shelves and screening for the interior of the building. He explained that the lighting

shelves would reflect light up into the window and off of the ceiling area in side of the building as an energy conservation measure. Referring to the issue of bus loading, he provided an illustration of how this would occur, adding that there should be ample space for two-way traffic with parking on the east side of SW Stott Street and bus loading on the west side of SW Stott Street and the east side of SW Erickson Street, with parking still available on the west side of SW Erickson Street. He mentioned a proposed entry canopy designed to provide more emphasis to the entry of the building, observing that the monolithic columns would stand out away from and beyond the building.

Mr. Angelo referred to the proposed Condition of Approval with regard to the bicycle parking, adding that although the applicant had originally considered submitting an application for a Variance, it had been determined that the standard requiring 122 long term bicycle spaces on campus has been met. He pointed out that Condition of Approval No. 19, which addresses the design of the area east of the Merle Davies School building actually coincides with the Memorandum of May 9, 2002, specifically Item No. 3 of page 2. He provided copies of information with regard to the design of the parking area on the east side of the Merle Davies School building, adding that this information is related to Tree No. 47, expressing his agreement with Ms. Kirkman with regard to this tree and how bus parking would be accomplished within that area. He suggested that Condition of Approval No. 19 be revised to reflect more closely the intent of Item No. 3 of page 2 of the May 9, 2002 Memorandum and requested the removal of Condition of Approval No. 20 with regard to Tree No. 47. He briefly discussed the Tree Preservation Plan approved by the HRRC, requesting clarification of the intent with regard to the proposed wooden barrier as it relates to the existing fence.

Ms. Doukas requested that Ms. Kirkman clarify the intent of the Planning Commission, specifically whether this involves the entire fence or only the additional 30 feet.

Ms. Kirkman clarified that the Planning Commission had approved a Condition of Approval stipulating that a wooden barrier would be provided, pointing out that this is an attempt to provide mitigation for the adjacent property owner and that any necessary maintenance and repair of this fence, which should be located on the applicant's property, would be the responsibility of the Beaverton School District.

Ms. Doukas expressed her opinion that it seems excessive to move this fence, questioning the possibility of providing a maintenance agreement to address this issue.

Ms. Kirkman advised Ms. Doukas that the Board would have the option of requiring a maintenance agreement to address this issue.

Mr. Angelo agreed that it should be possible to work out some type of maintenance agreement, emphasizing that he is unable to speak for the property owner to the south. He pointed out that additional screening would be provided by the addition of landscaping on the applicant's side of the fence, adding that he had been convinced that the Planning Commission intends that the applicant extend, rather than replace the existing. Concluding, he mentioned that representatives are available with regard to landscaping, civil engineering and traffic, and offered to respond to questions.

Ms. Shipley referred to the curvy pathway between the drop-off route and the Merle Davies School building, specifically whether there is a particular reason for this specific design.

Mr. Pitkin advised Ms. Shipley that this meandering design had been developed because there is quite a drop-off in that area, adding that this would be graded downhill to address ADA requirements without creating a ramp situation.

Ms. Doukas requested clarification with regard to the area east of the Merle Davies School building, specifically whether the applicant is requesting approval of the design at this time.

Mr. Angelo pointed out that Condition of Approval No. 19 refers to this area, adding that the applicant would like this condition either amended or deleted, and suggested that this specific design occur at the staff level.

Chairman Straus advised Mr. Angelo that staff generally wants the Board to provide sufficient detail to make certain that they would not be required to determine what is intended.

### **PUBLIC TESTIMONY;**

Chairman Straus reminded any individuals who intend to testify that it is necessary to address appropriate criteria substantial enough to provide the Board with information to base a decision upon.

**KAT IVERSON** discussed the criteria with regard to bicycle parking requirements, specifically 122 bicycle parking spaces. She expressed her opinion that the proposal does not meet the quantity specified within this requirement, observing that the proposal includes horizontal racks that would hold 17 bicycles in front of the school and wall hooks to provide for 105 bicycles in the back of the building. She mentioned that wall racks should be placed 24" apart to allow the bicycles to be hung up in the same direction. Referring to the proposed horizontal racks in the front of the school, she noted that although she had been unable to obtain the specific details, she had discussed this issue with Eric Nielsen, who had advised her that the applicant expects to park these bicycles over and under each of the loops in what she referred to as "wave racks with the loops". She discussed



the design and capacity of these particular racks, observing that they are too low for an adult bicycle. Concluding, she pointed out that these racks would not be adequate for the required number of racks, adding that it would be necessary to provide additional racks.

**EDNA STARKE** mentioned that she is the property owner to the south of the proposed parking lot on SW Erickson Street, emphasizing that she is requesting a solid brick wall fence between her home and the parking lot. Emphasizing that her family experiences health problems because they are susceptible to the air pollution created by the exhaust fumes, she pointed out that this would create an unhealthy situation in her small back yard and her bedroom. Noting that the proposed location of this parking lot is practically in her bedroom, she expressed her opinion that a wooden fence would not adequately address the noise and pollution issues. Observing that 70 vehicles would be entering and exiting this parking lot, she noted that although a double fence might be helpful, a solid fence would be more appropriate, adding that she is also concerned that the height of this fence be adequate to mitigate issues resulting from the potential noise and exhaust fumes.

Observing that the Planning Commission had not specified the height of the proposed fence, Ms. Kirkman clarified that the height and design of this wooden barrier is an issue that would be determined by the Board.

Ms. Edna Starke emphasized that she had requested a brick wall fence, ten feet in height.

**SHANNON STARKE**, expressed her support of Ms. Edna Starke's request, pointing out that exhaust fumes from Beaverton High School are already preventing her from opening her windows. On question, she was assured that the hedges that had been discussed by the Planning Commission are still included in the plan.

**CASEY SCHLEICH** introduced herself as the Special Education Secretary for Beaverton High School, adding that she also participates in ticket sales at the games, and discussed the proposed location of the cafeteria between the two buildings. Observing that her primary concern is with safety issues, she noted that the students currently load and unload off of SW 2<sup>nd</sup> Street, adding that the gates are closed at that time to prevent other vehicles from driving through the site during that time. She pointed out that with buses loading and unloading on SW Erickson Street and SW Stott Street, it would not be feasible to stop or even slow down the non-school traffic traveling through the area. She noted that when she had requested that the City of Beaverton repaint the crosswalks, she had been informed that they had determined that the streets are actually safer without the crosswalks, which provide a false sense of security because the drivers have a tendency to ignore these crosswalks. She noted that she is also concerned with the proposed location of the cafeteria, which is between the two buildings, noting that this would effectively block the view of half of the campus from any security personnel, as well as providing screening for any individuals who are attempting

to hide or escape detection. Referring to the turnaround driveway, she mentioned that she had been advised that the gates had originally been installed to prevent vehicles from driving straight through the site because this location was considered a “drive by shooting waiting to happen”. She mentioned that although she enjoys working at Beaverton High School, a student is taken out in handcuffs at least once a week, adding that there have been several incidents involving firearms and knives. She pointed out that her office is on the second floor of the building and overlooks the existing cafeteria, noting that although the original plan had included a proposal for the existing cafeteria to be converted into classrooms, there are issues with regard to the air quality in this building. She emphasized that some of the teachers are actually refusing to work in Room 117 and Room 123, adding that these air quality issues need to be addressed as well.

Observing that his own children had attended Beaverton High School, Chairman Straus expressed his opinion that there are obviously some issues that he has not been aware of.

#### **APPLICANT’S REBUTTAL:**

Mr. Angelo referred to concerns expressed by Ms. Iverson with regard to the proposed bicycle parking, observing that Mr. Pitkin is distributing information with regard to both the wall mounted and ribbon racks. He pointed out that these same wall mounted racks are the same as those that are mounted at Sunset High School at this time, adding that in effect, the applicant would be replicating this situation at Beaverton High School with 105 wall mounted racks on the south side of the facility. He referred to the illustration of the ribbon racks, adding that these are indicative of the type of bicycle racks that would be installed in the front of the facility in conjunction with the proposed improvements. He expressed his opinion that the proposal meets the design spirit for the bicycle parking standard, emphasizing that the required number of spaces has been provided.

Ms. Antonio referred to the illustration of the bicycle racks that exist at Sunset High School, observing that they appear to be in a row, noting that the last page indicates that these racks would be staggered.

Mr. Angelo advised Ms. Antonio that these bicycle racks would be installed in the staggered fashion.

Chairman Straus pointed out that the most obvious characteristic of these pictures is that there are no bicycles on any of the wall racks, expressing his opinion that although it is ironic, not many high school students ride bicycles to school, and that these racks would basically serve as nice little wall ornaments.

Referring to the third illustration, Mr. Pitkin noted that the use of the ribbon bicycle rack in the over/under position is also addressed, adding that it is possible to accommodate this from one, rather than both sides. He emphasized that the

manufacturer's information with regard to the number of bicycles that these racks would accommodate is actually accurate.

Observing that people can get pretty creative with the loop racks, Ms. Doukas emphasized that if they want to put a bicycle in there, they will find a way, adding that if the vehicle parking is reduced by 10%, it is necessary to demonstrate that adequate bicycle parking is available, and pointed out that bicycles should be promoted whether they are used or not.

Ms. Shipley suggested the possibility of spacing these racks further apart.

Mr. Pitkin advised Ms. Shipley that spacing is limited because the applicant is required to locate these bicycle racks under cover, adding that additional coverage would obviously create additional expense and necessitate additional room beyond what is currently available.

Chairman Straus requested clarification of where these bicycle racks would be located.

Mr. Angelo informed Chairman Straus that the 17 horizontal bicycle racks would be located at the front of the school, with the 105 ribbon bicycle racks at the back of the building.

Mr. Angelo referred to the fence situation, observing that his understanding with regard to the discussion with the Planning Commission had indicated that the applicant would be required to provide a wooden barrier extension from the existing fence, reiterating Ms. Starke's comment that the existing fence is currently in good condition. He expressed his opinion that the Beaverton School District and Ms. Starke should be able to reach an agreement that is acceptable to both parties, adding that landscaping would be provided between the parking area in the fence to provide additional screening.

Chairman Straus questioned whether the applicant would object to providing the masonry wall as requested by Ms. Starke.

Mr. Angelo informed Chairman Straus that the applicant would object to providing a masonry wall, pointing out that the cost would be excessive.

Chairman Straus reminded Mr. Angelo that cost is not an issue that concerns the Board.

Observing that he is aware that the issue of cost is not among the Board's criteria, Mr. Angelo pointed out that it is an issue that concerns the school district. Noting that this had been discussed with the Planning Commission, he informed Chairman Straus that their recommendation had been for a wooden barrier.

Mr. Pitkin expressed his opinion that the proposed wooden fence and additional landscaping would provide adequate screening and mitigation of issues with regard to light, sound and pollution, adding that it would not be possible to eliminate all of this.

Chairman Straus reminded Mr. Pitkin that the Starkes primary concern had been with regard to the potential noise and fumes from the vehicles, pointing out that the City Code provides criteria limiting noise levels to 55 decibels at the property line. He noted that the applicant would have the ability to demonstrate that the noise from the vehicles would not exceed this 55-decibel limit with only a wooden barrier.

Referring to the layout of the proposed parking, Mr. Pitkin emphasized that a large amount of landscaping would be provided throughout the site. Noting that this would eliminate a great deal of the noise, he pointed out that most of the noise would be caused in the exhaust areas of the vehicles. He explained that the masonry surfaces requested by the Starkes would increase, rather than decrease the problem, adding that this would create a sort of an echo chamber similar to a canyon. Reiterating that the landscaping would mitigate the majority of the noise, he mentioned that a parking lot is going to generate a certain amount of noises and odors.

Mr. Angelo described the location of the Starke property on the corner of SW Erickson Street and SW 6<sup>th</sup> Street, adding that both of these streets are designated collector's streets and already generate a certain amount of traffic and associated noise.

Chairman Straus explained that while the Board is not in the position to address the effects of a public street, they are required to deal with any impact resulting from a specific proposal, adding that there is an obligation to meet criteria related to noise, fumes and other appropriate issues.

Mr. Angelo advised Chairman Straus that these issues had been discussed to some extent with the Planning Commission, adding that they had ultimately concluded that the proposed wooden barrier would be adequate to mitigate any impacts created by the proposed parking lot.

Mr. Pitkin pointed out that through the normal course of a day, it is likely that SW Erickson Street would probably create more exhaust than this parking lot.

Ms. Shipley requested that the Landscape Architect address the proposed planting along the edge of the parking lot, specifically the variety and height of the vegetation and the type of filtering and screening this would provide for the neighbors.

**RON MATELA**, representing *Matela Associates* on behalf of the applicant, described the proposed hedging material, which would eventually reach a height

of six to eight feet. Observing that the applicant is willing to provide a different material in order to gain height, he pointed out that there are certain restrictions with regard to width and that they would like to avoid creating a major maintenance issue, if possible.

Ms. Shipley noted that she would personally prefer a thick plant screen that would grow taller, expressing her opinion that this would more effectively filter smoke fumes and noise than a solid brick surface.

Mr. Matela pointed out that while plants are not comparable to masonry, a wind buffer would also serve to deflect pollutants.

Mr. Angelo discussed Ms. Schleich's comments with regard to the bus loading and unloading, emphasizing that these buses would park nose to tail, creating no room in between to allow students to pass through and enter traffic. He noted that the applicant would be providing speed tables in two locations on SW Erickson Street, one just south of the stadium entrance and one at the realignment of SW 2<sup>nd</sup> Street, adding that these speed tables should also effectively serve to slow the traffic down as well as serve as crosswalks for the students entering and exiting the parking lot on the west side of SW Erickson Street. Referring to page 22 of the Staff Report, specifically Condition of Approval No. 21, he requested that the tree grates for the tree wells be replaced with pedestrian street pavers. He noted that while cost is not an issue for the Board, it is a concern of the Beaverton School District, adding that the street pavers would have the same effect as the tree grates.

On question, Mr. Straus was informed that these street pavers would be perforated for adequate watering and drainage.

Concluding, Mr. Angelo offered to respond to questions.

Ms. Antonio referred to Ms. Starke's request for a brick wall separating her property from the parking lot, specifically how much greater the cost would be to provide for a brick fence, rather than a wooden fence.

**GARY ALFSON**, Civil Engineer representing *Harper, Houf, Righoulis* on behalf of the applicant, explained that while a wooden fence would typically cost between \$10 and \$15 per linear foot, a masonry fence would cost between \$10 and \$15 per square foot, which would be six to eight times more expensive, and pointed out that this option could also require an entire masonry fence, rather than simply the extension that would be necessary for a wooden fence. On question, he also stated that because the parking space situation is very tight and the applicant is attempting to maximize the number of parking spaces, the parking stalls are located six feet from the fence, which is the standard setback, adding that a greater setback would result in the loss of two parking spaces.

Senior Planner John Osterberg pointed out that because the applicant rebuttal has raised a new issue that was not previously raised, specifically with regard to Condition of Approval No. 21 and the applicant's request to replace the tree grates with tree pavers, any member of the public should now have the opportunity to testify with regard to only this issue. On question, he advised Chairman Straus any member of the public wishing to testify with regard to this issue would have this opportunity.

Chairman Straus questioned whether any member of the public wishes to testify with regard to the applicant's request to revise Condition of Approval No. 21 to allow for the substitution of tree grates with tree pavers. There was no response.

Ms. Schleich requested clarification of the pros and cons of tree pavers as opposed to tree grates.

Mr. Matela responded to Ms. Schleich's question with regard to tree pavers and tree grates, emphasizing that the primary concern is providing for the circulation and penetration of air and water into the roots of the trees. Observing that he has no statistics with regard to which option provides a greater benefit to the tree, he pointed out that if the masonry units are installed correctly, because they don't have the openings that are featured on the tree grates, the tree pavers would provide greater safety for those individuals walking near the tree. He explained that the tree grates require more maintenance over time, noting that the primary differences between the two options are the cost and aesthetics.

Ms. Doukas expressed concern with potential soil compaction to the root zone, noting that while the tree grates prevent pedestrians from walking on the soil, the pavers allow individuals to walk directly on the soil, which transfers directly to the root zone.

Mr. Matela reiterated that there should be no danger to the root zone if the tree grates are installed properly, adding that typically, an individual would not walk within two or three feet of the tree.

Ms. Doukas pointed out that in her experience, the tree pavers actually present more of a tripping hazard for pedestrians.

The public portion of the Public Hearing was closed.

Ms. Kirkman requested clarification from the applicant with regard to the relocation of one of the gates in parking lot C, and referred to a memorandum submitted by *Harper, Houf, Righoulis* which specifies that the proposed gate at parking lot C shall match the black ornamental type of fencing presented at the school and that the gate shall be closed during certain hours and monitored during this closure. She also requested clarification of the materials proposed for the columns identified at the main entrance of the facility, as well as the proposed colors for

these columns and the metal entryway. She mentioned that as part of one of the Conditions of Approval stipulated by the HRRC, the location of the pedestrian plaza should be away from the drip line of a certain tree, adding that the site plan indicates that this distance might be in closer proximity than is required in this Condition of Approval. Referring to the east area of the Merle Davies School, she pointed out that the Condition of Approval provided in the Staff Report states that the area should remain as is, or that if a change in the area is proposed, the applicant shall submit an application for Design Review identifying the desired improvements. She recommended that at a minimum, an Administrative Design Review be allowed for any proposed modifications to that east area, which would allow staff and the Facilities Review Committee an opportunity to review this design. Observing that staff has only recently received a copy of this design, she noted that they have not yet had an opportunity for a review with the Facilities Review Committee with regard to this issue. She clarified that staff would like to review the parking layout that has not yet been reviewed by the Transportation Engineer, adding that the applicant has also shown the design and spacing of the parking area without clarifying whether landscaping would be provided.

Observing that this involves a standard procedure, Ms. Doukas noted that it had been her understanding that this would be addressed through an administrative review, which would also involve the Facilities Review Committee.

Referring to the applicant's request to replace the tree grates with tree pavers, Ms. Kirkman emphasized that the Engineering Design Manual actually may specify tree grates.

Mr. Angelo referred to the issue involving the gate at parking lot C, clarifying that the application is accurate and that the existing gate would be replaced with an ornamental fence. He discussed Condition of Approval No. 19, noting that the applicant does not object to the proposed administrative design review based upon the design that was submitted May 9, 2002.

Mr. Pitkin discussed the proposed materials and colors for the columns and the main entryway, observing that these colors would be similar to and incorporated into the design of those on the existing facility.

Referring to the applicant's request to replace the tree grates with tree pavers, Ms. Doukas expressed her opinion that because this is a civic building with very intensive use, the tree grates should be provided, adding that she has yet to see effective maintenance on tree pavers. She discussed the screening issue, observing that the greatest impact involves aesthetics, lights and visual and physical impact. She pointed out that the combination of landscaping and a wooden fence is typically sufficient to address this issue, noting that this should reduce pollution, noise and the visual impact created by the proposal.

Ms. Antonio expressed her agreement with Ms. Doukas' statements, observing that because of the limited hours of operation involved, the proposed wooden fence and vegetation should adequately address screening issues. She pointed out that she is concerned with the potential of establishing a precedent if a masonry wall is required in this application.

Mr. Nardoza suggested the possibility of requiring a solid wooden fence the entire length from the street, allowing for an overlap that would provide two fences between the parking lot and Ms. Starke's property.

Ms. Doukas pointed out that a double wooden fence would create issues with maintenance, emphasizing that it would not be possible to access and maintain certain areas of the fence.

Ms. Shipley mentioned that a trash zone would exist between the two fences, adding that leaves and trash would tend to accumulate in this area. She discussed the possibility of switching the Manhattan Uwanamis with Viburnum Tinus at a size of 5-gallons.

Ms. Doukas **MOVED** and Ms. Shipley **SECONDED** a motion for the approval of BDR 2001-0213 – Beaverton High School Cafeteria and Parking Lot Expansion Type 3 Design Review, based upon the testimony, reports and exhibits presented during the public hearings on the matter and upon the background facts, findings and conclusions found in the Staff Report dated March 21, 2002, including Conditions of Approval Nos. 1 through 26, with the following modifications:

~~19.~~ The area east of the Merle Davies School building **will be subject to an administrative design review based upon the design that was submitted May 9, 2002**.

~~20.~~ ~~The Red Maple tree identified on the Tree Preservation Plan as Tree No. 47 shall not be removed.~~

~~27~~6. The applicant shall provide a wooden barrier along the southern property line of Parking Lot "H" from the existing wood fence to SW Erickson Street, at a height of six feet, matching the design of the existing wood screen fence, and a Maintenance Agreement providing that the maintenance of the fence is the responsibility of the applicant. The Manhattan Euonymus shall be replaced with Viburnum Tinus at a size of 5-gallons.

Referring to the fence that would be extending to SW Erickson Street, Mr. Osterberg pointed out that such a fence would be subject to the vision clearance standards of the Development Code, adding that it is possible that this fence would not be able to be six feet in height for the entire length to the property line.



Ms. Doukas **AMENDED** her motion, with regard to Condition of Approval No. 26, to provide for a Maintenance Agreement providing that the maintenance of the fence is the responsibility of the applicant.

Ms. Shipley **SECONDED** the amendment with regard to Condition of Approval No. 26, to provide for a Maintenance Agreement providing that the maintenance of the fence is the responsibility of the applicant.

The question was called and the motion, as amended, **CARRIED**, unanimously.

8:30 p.m. – Ms. Kirkman left.

8:31 p.m. to 8:40 p.m. – break.

**B. APP2002-0003 - SUNSET HIGH SCHOOL SITE & PARKING LOT APPEAL**

*(Continued from April 29, 2002)*

The Planning Director approved a request for exterior modifications to Sunset High School resulting in an addition to the east and north sides of the existing school building and revisions to on-site school bus and motor vehicle circulation upon the eastern portion of the site. The application included modifications to associated parking, utilities, landscaping and sidewalks. The appeal specifically addresses safety concerns at several locations on NW Cornell Road. The appellant requests that the applicant provide vehicular access onto NW Science Park Drive. The Planning Director's approval of the request did not include a condition of approval requiring the applicant to provide vehicular access to NW Science Park drive. The appellant believes such a condition is necessary to meet the Type 2 Design Review approval criteria. The appellant has identified the applicable approval criteria relating to promoting safety and reduced congestion, protecting the public from potentially deleterious effects resulting in the proposed use, and providing a safe and efficient circulation pattern within the boundaries of the site, as the reasons why vehicular access to NW Science Park Drive should have been required.

Mr. Beighley reiterated that he had been involved with the application that is being appealed and recused himself from participating in the decision with regard to APP 2002-0003 -- Sunset High School Site and Parking Lot Appeal of BDR 2001-0212.

Associate Planner Liz Shotwell observed that tonight's issue involves both the review of the appeal and the design review that is the subject of the appeal, observing that the entirety of the design review project is open for review by both the Board and the public at this time. She presented the Staff Report and briefly described the history of the application, noting that on March 19, 2002, the Planning Director had mailed out a Notice of Decision for the approval of this proposal for the construction of site and building improvements at Sunset High School.

She explained that these improvements included remodel and floor space additions, including additional classrooms, a new cafeteria, a commons area, and the relocation of administration facilities, as well as the reconfiguration of the east parking lot to accommodate the separation of classrooms and vehicles to address safety issues. She pointed out that the decision had also taken into consideration the request by Washington County to provide for driveway access to NW Science Park Drive. Observing that Washington County had appealed the decision on March 25, 2002, she noted that the focus of that appeal had specifically addressed transportation safety concerns at several locations along NW Cornell Road, adding that the appellant had indicated that additional Conditions of Approval would be necessary in order to meet the approval criteria for a Type 2 Design Review, and specifically requesting access onto NW Science Park Drive. Emphasizing that the City of Beaverton does not object to providing this requested access and that this issue had been considered, she pointed out that insufficient evidence had been submitted to demonstrate the necessity of providing this access in order to meet the appropriate approval criteria. Concluding, she recommended approval of BDR 2001-0212 – Sunset High School Site and Parking Lot Type 2 Design Review and denial of APP 2002-0003 – Appeal of Sunset High School Site and Parking Lot Type 2 Design Review, subject to Conditions of Approval identified in the Staff Report, and offered to respond to questions.

Mr. Nardozza advised Ms. Shotwell that he does not have a full understanding of the recommendation for both approval and denial with regard to this one issue.

Ms. Shotwell clarified that two motions would be made following the Public Hearing, explaining that the Board must make a decision on both the Type 2 Design Review application and the application for an appeal of the original decision on this application, adding that Washington County is present to present the appeal.

Observing that this involves a de novo hearing, Ms. Doukas pointed out that the Board is basically starting over with regard to the original application.

At the request of Chairman Straus, Ms. Shotwell clarified that the original application, which had been submitted by the Beaverton School District, had not included the access onto NW Science Park Drive, adding that Washington County had indicated that this access would be necessary and had appealed the decision. She explained that while the applicant has no objection to this connection, staff had determined that adequate justification with regard to proportionality of the project does not exist to require that this connection be provided.

Ms. Doukas questioned why this involves a de novo hearing rather than only a hearing on the one issue.

Development Services Manager Steven Sparks explained that recent legislation requires that when an administrative decision is made without the benefit of a

Public Hearing, any appeal of the decision, whether the appeal involves a specific item or the entire proposal, the entire issue is open as a de novo hearing.

Senior Transportation Planner Don Gustafson clarified that the original application submitted by the Beaverton School District had included a Traffic Study that had provided an analysis of the intersections that would be impacted, adding that based upon evidence provided within this Traffic Study, as well as evidence presented by Washington County, staff had been unable to determine that the access to NW Science Park Drive was required. He pointed out that although the Traffic Study had indicated that this access would be beneficial, there would be no substantial impact on the capacity, adding that that staff had based findings upon this issue. Observing that staff had recommended the access and that the Beaverton School District would prefer to have this access, the property had originally been purchased under the stipulation that this access to NW Science Park Drive would not be provided. Concluding, he noted that the owner of the industrial park to the west of the site and is not willing at this time to allow for this access, adding that there is actually a deed restriction with regard to this issue.

On question, Mr. Gustafson advised Chairman Straus that NW Science Park Drive and NW Cornell Road are both Washington County facilities.

**APPLICANT:**

**MIKE MALONEY**, representing the Beaverton School District, briefly described the application for improvements at Sunset High School, observing that although the connection at NW Science Park Drive is not required, the school district has no objections. Pointing out that a deed covenant had been included when the property had been acquired from the Tualatin Hills Parks & Recreation District (THPRD), he mentioned that the school district would like to reach an agreement with regard to this access, expressing his opinion that there has been some progress made through discussion with *Electro Scientific Industries, Inc.* (ESI). Observing that because this access is the only issue he had hoped that the Public Hearing process would not be necessary, he noted that the applicant is willing to accept any decision made by the Board. Concluding, pointed out that the Architect, Civil Engineer, Traffic Engineer, and the Vice-Principal of Sunset High School are all available to respond to questions.

Ms. Doukas questioned the status of a portable building located on the site, observing that this structure appears to have access.

Mr. Maloney explained that this portable building is an Options Middle School, adding that this program, which is operated by ESD, provides an options program for a small number of middle school students. He noted that because there is such a small amount of students and includes no student drivers, ESI had determined that this limited access would be acceptable, pointing out that this area is fenced off separately from the high school parking lot.

Chairman Straus questioned whether the application had attempted to determine whether this deed restriction with regard to access is legal with regard to State land use laws.

Mr. Maloney informed Chairman Straus that this is deed restriction is a legal covenant, noting that this involves a common civil matter.

Ms. Doukas expressed her opinion that while this deed restriction prohibits the Beaverton School District from proposing this access onto NW Science Park Drive, this does not prevent the City from conditioning this access.

Mr. Maloney noted that this would require some negotiations with ESI, suggesting that this could be achieved through a condemnation.

Chairman Straus expressed concern that Washington County is attempting to impose conditions that are not possible for the applicant to meet.

Mr. Maloney pointed out that none of the other aspects of the development have been contested, adding that the only issue is this access and related Conditions of Approval with regard to traffic.

**DAVID LINTZ**, **GREG WEILER** and **GARY ALFSON** all indicated that as part of the applicant's team, although they are available to respond to questions, they would not testify at this time.

### **PUBLIC TESTIMONY;**

#### **APPELLANT:**

**ALAN RAPPLEYEA**, representing Washington County, introduced Senior Transportation Planner Phil Healy, Traffic Engineer Jinde Zhn and Associate Planner Anne LaMountain, adding that the appellant would like to mitigate the impacts on County roads and make it safe for both the students and the public. Emphasizing that the appeal is directly related to the number of new trips generated by the expansion of this school, he provided a brief overview of the County's concerns and why this access is necessary. Expressing his opinion that adequate justification had not been provided because Washington County had been unable to obtain the appropriate information, he emphasized that everyone concerned, with the exception of ESI, is comfortable with the proposed access. Observing that ESI is concerned with protecting their own access, he pointed out that Washington County has a more significant concern with the safety of the public.

**PHIL HEALY**, Senior Transportation Planner representing Washington County, pointed out that NW Cornell Road, NW Science Park Drive and NW Murray Boulevard are all county-maintained facilities, emphasizing that the Washington County is responsible to make certain that these roads operate safely. Noting that

this also involves a liability, he clarified the basis for the appeal, emphasizing that this does not only concern the requested access for NW Science Park Drive. He distributed copies of a communication from Mark Brown, Interim Assistant Director of Land Use and Transportation for Washington County, dated May 9, 2002. He mentioned that the applicant's Traffic Analysis, which had been prepared by *DKS Associates*, had been reviewed and determined to be lacking in several areas by the Traffic Engineering Section for Washington County, adding that they have provided a series of recommendations that should address the safety problems.

Mr. Healy emphasized that Washington County's interest in this appeal is strictly to make certain that appropriate roadway and access improvements are applied through the City of Beaverton's approval. He expressed that one of the proposed signal changes at the intersection of NW Cornell Road and NW Murray Boulevard could create additional problems, noting that when Washington County had temporarily attempted this improvement several years ago, the result had been an increase in accidents. He noted that the City of Beaverton's decision limits Washington County's ability to require necessary safety improvements. Referring to the applicable criteria with regard to this application, he mentioned that Development Code Section 40.10.15.2.C.1(b), (c), (d) and (f) and Section 40.10.15.2.C.2(b) together require that based on anticipated vehicular and pedestrian traffic generation, adequate improvements must be provided to reduce congestion, that consideration must be given to the need for constructing and/or improving public streets in the impacted area of the development, and that a safe and efficient circulation pattern within the boundaries of the site, including adequate vehicular access in site design, be provided to protect from accidents and hazardous conditions. Referring to Washington County's safety ordinances, he pointed out that existing safety hazard conditions which present an unacceptable risk to the traveling public safety and which are impacted by 10% or more by the traffic from a development must be improved by the developer or applicant to correct the existing safety deficiencies. Observing that Washington County has compiled all of the accident data for the impacted area, he provided an overhead illustration listing the most dangerous intersections, and described the statistics for the three-year period from 1998 through 2000. He pointed out that of the five intersections surrounding the site [Cornell/Trail (SPIS), Cornell/143<sup>rd</sup> (SPIS), Cornell/Murray (SPIS), Science Park/Murray and Science Park/Cornell], the three Cornell (SPIS) locations experienced the greatest percentage of teen driver accidents. He mentioned that from one third to one half of the accidents at these locations involved teen drivers, noting that during this time, teen drivers had been involved in greater than 41% of the accidents at these intersections. He explained that in contrast, only 0% and 19% of accidents at the two Science Park locations involved teen drivers, for only an average of 10% of all accidents at these two intersections combined.

Observing that he appreciates these statistics, Chairman Straus suggested that Mr. Healy address the realities of the situation, adding that he is not willing to make a

decision based upon these charts and graphs. Emphasizing that teenaged drivers have a greater amount of accidents than other drivers, he questioned the relevance of where these accidents occur.

Ms. Doukas requested clarification of the thresholds with regard to the locations of these accidents.

Mr. Healy emphasized that NW Cornell Road is a very high-volume street, noting that more accidents occur at intersections with a greater amount of traffic. He pointed out that redistributing the traffic does not necessarily indicate that there would be a corresponding increase in accidents on NW Science Park Drive, adding that there is much less traffic on that roadway.

Chairman Straus mentioned that there is currently no signal at NW Cornell Road where the parking lot empties out.

Mr. Healy informed Chairman Straus that there is a signal at the main access to the school, at the intersection of NW Trail Avenue and NW Cornell Road, adding that access to NW Science Park Drive would allow for the routing of the buses on NW Science Park Drive, which would relieve some of the congestion on NW Cornell Road as well as the NW Murray Road/NW Cornell Road intersection.

Ms. Doukas requested clarification of the level of service standards with regard to this application.

**JINDE ZHN**, Traffic Analyst for Washington County, advised Ms. Doukas that Level of Service “D” is typically used at a signalized intersection, and described the concept of demand versus capacity. Pointing out that Level of Service “D” generally involves a 0.95, he mentioned that an intersection must meet certain warrants for a traffic signal. He noted that the area of influence extends 600 feet from the boundary of the property line in each direction, and discussed the minimum study area as well as what he referred to as the 10% impact area, adding that the school traffic involves 10% of the street traffic.

Mr. Zhn discussed the findings with regard to this application and appeal, observing that the intersection of NW Science Park Drive and NW Cornell Road operates at Level of Service F, emphasizing that this is below the standard. He pointed out that a traffic signal might be installed at some future point to mitigate this substandard level of service, adding that the intersection of NW 143<sup>rd</sup> Avenue and NW Cornell Road operates within an acceptable level of service, which is Level of Service D or better.

Chairman Straus requested clarification of how the proposed mitigation for level of service is affected by school bus travel.

Mr. Zhn informed Chairman Straus that the effect of the school bus travel upon the level of service is exactly why Washington County has an issue with this proposal. Observing that *DKS Associates* had treated buses as normal passenger cars in their study, he pointed out that because the school buses are larger and slower than typical passenger cars, more time is involved in traveling through the intersections, adding that it is also more difficult for the larger buses to negotiate a turn. He emphasized that providing appropriate access onto NW Science Park Drive would not only reduce the traffic impact associated with this proposed expansion of Sunset High School, but also reduce the current traffic congestion, particularly at the intersections of NW Cornell Road/NW Trail Drive and NW Cornell Road/NW Murray Boulevard.

On question, Mr. Zhn advised Chairman Straus that Washington County's concerns would be addressed if only bus traffic were coming in and out of NW Science Park Drive.

Mr. Healy pointed out that Washington County has also requested to work with the Beaverton School District to develop a circulation plan for the school in order to determine the most appropriate routing of buses and other traffic in conjunction with NW Science Park Drive, adding that this plan should be feasible for both Sunset High School and Washington County. He pointed out that this plan should be developed prior to the occupancy of the proposed expansion, adding that it would be implemented at the time the access onto NW Science Park Drive occurs.

Chairman Straus questioned whether Mr. Rappleyea, Washington County's legal counsel, has been involved in a discussion with regard to the deed restriction.

Mr. Rappleyea advised Chairman Straus that there has been no specific discussion with regard to the deed restriction, adding that typically planning decisions do not consider deed restriction. He emphasized that a deed restriction does not restrict the City of Beaverton's ability to make a decision with regard to this issue, adding that the Beaverton School District, the City of Beaverton and Washington County all have the option of a condemnation proceeding to achieve this goal, pointing out that ESI could be involved in any discussion with regard to the internal traffic circulation.

Chairman Straus suggested the possibility of rerouting the school buses along NW Science Park Drive and turning right on NW Cornell Road and making a right turn into the parking area, pointing out that the left turn appears to be creating the issue.

Mr. Rappleyea explained that Washington County is basically proposing a Condition of Approval that would allow this, emphasizing that young and inexperienced drivers have a greater risk of being injured because of this situation.

9:36 p.m. – Associate Planner Scott Whyte arrived.

Mr. Healy discussed the existing safety hazard locations, observing that the proposed access onto NW Science Park Drive would limit the impact of the traffic on NW Cornell Road. He stated that Washington County believes that the proposed Conditions of Approval would most appropriately address the safety and capacity concerns associated with the Sunset High School Expansion. He expressed his concern with the recommended with the recommended Condition of Approval with regard to NW Murray Boulevard and NW Cornell Road, requesting that this Condition of Approval (Condition C-2, which requires that the applicant implement the protected permitted signal phasing at the intersection of NW Murray Boulevard and NW Cornell Road) be withdrawn. He also requested a requirement for a signal phasing change at the intersection of NW Cornell Road/ NW 143<sup>rd</sup> Avenue, from left turn permissive protected to protected only. He requested that the Beaverton School District sign a contract for conditions with Washington County with regard to providing the requested access to NW Science Park Drive, adding that this access should be constructed by September 30, 2004, and that prior to this occupancy, the Beaverton School District should work with Washington County to develop an appropriate traffic circulation plan for Sunset High School.

Ms. Doukas expressed her opinion that a great deal of these details should have been worked out by Washington County, the Beaverton School District and *DKS Associates* prior to any hearing before the Board. Emphasizing that the information being provided is overly technical, she pointed out that the issue presented should provide appropriate information on which to base a decision.

Chairman Straus questioned whether Washington County had been provided with an opportunity to submit input to the City of Beaverton during the Facilities Review process for the original application.

Ms. Doukas pointed out that the Staff Report indicates that Washington County had been unable to meet the requirements with regard to burden of proof.

Mr. Healy advised Ms. Doukas that Washington County had provided findings with regard to the need for an access to NW Science Park Drive, adding that the Traffic Analysis that had been submitted by the applicant had been incomplete.

Chairman Straus questioned whether Washington County had received any explanation with regard to why the requests or issues had not been included in the Staff Report for the original proposal. He requested clarification of how this proposal had passed through the original evaluation without addressing the issues that had been raised by the appellant. Pointing out that these streets are Washington County Facilities, he emphasized that it is necessary to meet their requirements.

**LARRY DERR**, representing *Electro Scientific Industries, Inc. (ESI)*, referenced a communication from Robert C. Cimino, the director of Corporate



Administration, dated April 10, 2002, observing that this had included ESI's Accident Reports for the years 1998 through the first three months of 2000, as well as related color photographs, with regard to accidents occurring on NW Science Park Drive. Observing that he would like to explain why this proposal creates an issue for ESI, he pointed out that as one of the oldest high-tech companies in Washington County, ESI had developed this subdivision many years ago. He explained that this street had never been designed to serve as a collector street, noting that the original intent had been to serve the individuals and businesses in the area. Noting that this street is very narrow and includes some sharp s-curves, he emphasized that the street has the collector status without the benefit of the collector development.

Mr. Derr mentioned that in 1995, ESI had sold some property on the north side of NW Science Park Drive and west of the swimming pool to THPRD, noting that accidents on NW Science Park Drive had already created a major concern, which caused ESI to place a restriction on the property preventing utilization as an access between NW Science Park Drive and Sunset High School. He pointed out that at the time the school district acquired the property from THPRD they had been fully aware of this restriction. He explained that several years ago, Washington County had engaged a fairly detailed review and amendment to the community plan for that area, noting that the initial proposal had provided for a major change in traffic patterns to downgrade NW Cornell Road from five to three lanes, creating a local town boulevard, with NW Science Park Drive serving as what he referred to as the "reliever route" to take a major portion of the load off of NW Cornell Road. After much discussion and consideration, Washington County had determined that NW Cornell would remain with the five-lane future designation and that the extension of NW Science Park Drive east of NW Murray Boulevard would be eliminated.

Mr. Derr referred to the accident log provided with the communication from Robert Cimino, he noted that Washington County's information looks only at intersections, and does not include the links between these intersections, pointing out that during this time period, 43 accidents had been logged. Emphasizing that ESI's concern is with public safety, rather than some private asset, he explained that the proposed interior site circulation issues do not address county issues. He pointed out that although unrestricted and complete access to NW Science Park Drive would improve the level of service at the intersection of NW Cornell Road and NW Trail Drive, the level of service standard at NW Murray Boulevard and NW Science Park Drive would be negatively impacted, adding that the problem is simply being relocated to a street that is not able to accept this volume and type of traffic without improvements. He pointed out that representatives of ESI would continue to work with both Beaverton School District and Washington County. Concluding, he stated that with regard only to the proposed NW Science Park Drive access, ESI has not taken a position concerning the proposed signal sequencing, adding that it is not appropriate to attempt to address access issues with Conditions of Approval.

Mr. Rappleyea requested clarification of whether Washington County would have the opportunity to rebut the testimony provided by Mr. Derr.

On question, Ms. Shotwell advised Chairman Straus that only the applicant, Beaverton School District, is permitted to rebut public testimony.

Chairman Straus informed Mr. Rappleyea that because he is not the applicant, as an appellant, he is in the same position as the general public in a de novo hearing. He reiterated Ms. Doukas' observation that a great deal of this discussion should have occurred prior to this hearing by the Board. He requested clarification of whether the upgrade of NW Cornell Road to five lanes has been implemented yet.

Mr. Healy informed Chairman Straus that the upgrade of NW Cornell Road to five lanes has not yet been implemented, adding that while this has been upgraded on the major transportation plan, the actual lanes have not yet been constructed. He further explained that NW Science Park Drive has been initially upgraded from a minor to a major collector on this major transportation plan, noting that in recognition of the fact that Washington County is growing, it has been determined that this street needs to play a more important role in carrying this increased traffic.

Chairman Straus requested clarification of any time frame with regard to scheduling these improvements.

Mr. Healy advised Chairman Straus that this project has not yet been scheduled by Washington County, adding that because this would occur at some undetermined point in the future, it is necessary to address existing problems at this time.

Senior Transportation Planner Don Gustafson briefly described the purpose and history of this issue, observing that the proposal had been reviewed based upon the standards of the City of Beaverton's Development Code, adding that a Level of Service E is acceptable.

Ms. Doukas expressed her frustration with the situation, pointing out that although dangerous issues were involved, the application had been approved. Emphasizing that Washington County has not yet submitted information that meets the burden of proof, she stated that based upon the evidence submitted, the Board does not have proper tools with which to make a decision.

Chairman Straus expressed concern with attempting to determine which information is not relevant to the decision with regard to this specific issue.

#### **APPLICANT'S REBUTTAL:**

Observing that everyone concerned has the same goal in mind, Mr. Maloney reiterated that the Beaverton School District desires to comply address the

concerns of both the City of Beaverton and Washington County, as well as work with ESI with regard to respecting or revising the existing deed restriction.

**CARL SPRINGER**, representing *DKS Associates* on behalf of the Beaverton School District, pointed out that the Traffic Report had been designed to address the City of Beaverton's performance criteria. Referring to Mr. Zhn's methodology, he pointed out that this specific methodology is not commonly utilized, adding that the applicant is not clear with regard to his rationale. Pointing out that traffic congestion actually causes the vehicles to travel at a slower and safer rate of speed, he noted that many of the accidents described had actually occurred outside of school hours.

Mr. Maloney reiterated that the Beaverton School District would like to have their application approved, adding that while the proposed access is desirable but not necessary or required by Development Code, the applicant would continue efforts with ESI to acquire access to NW Science Park Drive.

Chairman Straus questioned the possibility of approving the application and continuing the appeal with regard to this issue, and discussed separating out the issues that are not related to the access issue.

Mr. Osterberg advised Chairman Straus that he is not aware of any method for separating the issues without dealing with both the application and the appeal.

Mr. Osterberg suggested that the appellant could be allowed to continue to provide testimony with regard to their appeal.

**APPELLANT:**

On question, Mr. Healy advised Chairman Straus that Washington County has objections with regard to this proposal because of the 500 to 600 average daily vehicle trips that would be generated on NW Cornell Road as a result of the development, adding that this had been determined by the anticipated increase in the student population and increased square footage of the facility, as well as the applicant's Traffic Study.

**APPLICANT'S REBUTTAL:**

Mr. Maloney pointed out that the applicant concurs with Washington County's request for the proposed changes in signal timing, adding that the applicant also defers to their judgment with regard to the signal timing or phasing at the two intersections. He concurred with staff's proposed condition for a cooperative effort with regard to site circulation, emphasizing that the only remaining issue involves the requested connection with NW Science Park Drive.

Ms. Shotwell reiterated that the original application that had been submitted by the Beaverton School Districts had addressed City standards, rather than County standards, emphasizing that the majority of the appellant's testimony had been based upon the County standards. She pointed out that it is not typical to address the age of drivers with regard to traffic accidents, adding that this basically involves discrimination with regard to a traffic study, although the total number of accidents, regardless of age, would be both appropriate and applicable.

Referring to Condition of Approval No. 3 proposed by Washington County, which requests the review of a traffic circulation plan, adding that the Sunset High School site is located within the city limits and jurisdiction of the City of Beaverton. Observing that the City of Beaverton has the authority to review on-site circulation with regard to this proposal, she emphasized that this would not be an appropriate Condition of Approval.

Chairman Straus pointed out that consulting with Washington County would basically involve a professional courtesy, expressing his opinion that they could at least be permitted to provide some input with regard to the internal site circulation.

Ms. Shotwell assured Chairman Straus that staff would encourage Beaverton School District to discuss on-site traffic circulation with Washington County.

Ms. Doukas requested clarification of the legal requirements with regard to conflicting standards, pointing out that while Washington County is entitled to create standards for facilities within their jurisdiction, the City of Beaverton should be authorized to develop standards for the property within their jurisdiction.

Ms. Shotwell clarified that because this land use decision involves a site within the City of Beaverton, City standards would apply for this specific application, adding that during the process for facilities or access permits, Washington County would have the authority to impose requirements with regard to their standards.

Reiterating that fundamentally, different standards exist within the City of Beaverton and Washington County, Mr. Osterberg discussed the possible approval of a Condition of Approval to upgrade the site or require physical improvements that are not considered necessary within the applicant's Traffic Analysis and addresses City standards. He pointed out that although one of the primary issues involves the fact that the majority, if not all, of the parties involved agree that there would most likely be beneficial effects from providing a driveway between Sunset High School and NW Science Park Drive, the City of Beaverton does not have the authority to appropriately require such a Condition of Approval because the application meets all applicable and necessary criteria without this driveway.

Ms. Doukas referred to the approval criteria technical standards for this specific type of application, specifically 40.10.15.2.C.1.a, which states, as follows:

*That the public and private facilities and services provided by the development are adequate as to location, size, design and timing of construction in order to serve the residents or establishments to be accommodated and meet City standards and the policies and requirements of the Comprehensive Plan. The service provider is presumed correct in the evidence which they submit. The evidence shall demonstrate that critical services be shown to be available now, and essential services within five years. The City is entitled to rely on the evidence submitted by the applicable service provider that the area can be served in making its determination; (ORD 3739) ”*

Ms. Doukas emphasized that this has significantly decreased the applicant's burden of proof with regard to this issue.

Chairman Straus pointed out that the key words in this section indicate that these services are “critical” or “essential”, expressing his opinion that neither of these has been demonstrated with regard to the access is concerned. He pointed out that Washington County has no intention at this time with regard to improving NW Science Park Drive, which involves another essential component providing for the proper functioning of the entire system.

Ms. Doukas observed that this involves potentially sacrificing a long-range gain in order to resolve a short-term situation, adding that the map indicates that these improvements would be made at some future point.

Chairman Straus expressed his opinion that this access should be created at the time these improvements are made.

Ms. Doukas pointed out that it would be another 20 years before Washington County has the stick to accomplish this.

Chairman Straus advised Ms. Doukas that the conditions on that roadway should not be compromised during the interim prior to these improvements, adding that this situation actually creates an opportunity to request the improvements.

Ms. Doukas expressed her opinion that the conditions on NW Cornell Road are being compromised instead.

The public portion of the Public Hearing was closed.

Chairman Straus pointed out that although only the Beaverton School District is authorized to request a continuance of this application at this point, there are no existing circumstances that would encourage them to do so.

Mr. Osterberg explained that staff urges that the Board make a decision at this time, if possible, specifically for a denial of the appeal and approval of the Design Review application. He noted that if the Board determines that they are unable to approve the application submitted by the Beaverton School District, the applicant should then be offered the opportunity to request a continuance of the hearing, providing for a corresponding waiver of the 120-day rule. He mentioned the possibility of denying the appeal and approving the Design Review application, while providing for an amendment to the Design Review approval by including additional Conditions of Approval. He suggested that the Board might consider such conditions that might address their concerns with the application, such as alternatives with regard to the routing of buses.

Chairman Straus pointed out that Washington County had expressed concern with a number of issues beyond the access to NW Science Park Drive, adding that the Beaverton School District does not appear to have a problem with these issues or a deed restriction and that it would be feasible to include these items within the Conditions of Approval.

Ms. Doukas mentioned the issue with regard to the proposed signal phasing change on NW Cornell Road and NW 143<sup>rd</sup> Avenue, as well as the provision with regard to the Beaverton School District's proposed circulation plan, which would not be identical to what Washington County is requesting. She pointed out that it would be feasible to add these two Conditions of Approval and not include the access.

Chairman Straus emphasized that this eliminates all of the issues with the exception of the issue that is creating the problem.

Ms. Doukas expressed her opinion that this would also create a situation in which the Beaverton School District and Washington County would have to have a discussion.

Mr. Osterberg reminded the Board it is necessary to consider that all parties including the City of Beaverton have indicated that approval of the Design Review application, which includes Condition of Approval No. 19, should provide that The Facilities Review Committee Conditions of Approval dated March 15, 2002, are made a part of this approval, **with the exception of Condition C.2.**

Chairman Straus noted that it had been his understanding that the Board does not have the authority to revise the Facilities Review Conditions of Approval.

Mr. Osterberg informed Chairman Straus that he had just been informed that the member of staff who prepared this specific Facilities Review Condition of Approval is in general agreement with this revision.

Mr. Gustafson noted that because this issue involves a recommendation provided in the Traffic Study, staff has no problem with eliminating this particular Condition of Approval.

Ms. Doukas **MOVED** and Ms. Anthony **SECONDED** a motion for the **DENIAL** of APP 2002-0003 – Sunset High School Site & Parking Lot Appeal and the **APPROVAL** of BDR 2001-0212 – Sunset High School Site & Parking Lot, based upon the testimony, reports and exhibits presented during the public hearings on the matter and upon the background facts, findings and conclusions found in the Staff Report dated April 18, 2002, including Conditions of Approval Nos. 1 through 19, with revisions and additions, as follows:

19. The Facilities Review Committee Conditions of Approval dated March 15, 2002, are hereby made a part of this approval, **with the exception of Condition C.2.**
20. The NW Cornell Road/NW 143<sup>rd</sup> Avenue signal phasing will be changed from left turn permissive/protected to protected only. This improvement may be eligible for credits against the development's Traffic Impact Fee.
21. Provision by the School District of a circulation plan to determine best practices for school bus and vehicular traffic through the site. This plan is to be prepared by the school district, in cooperation with the County Traffic Analyst, to be approved by the County Traffic Analyst prior to issuance of an occupancy permit by the City of Beaverton for new square footage (expanded school building area) and to be put into use with opening of the new access. Note: The circulation plan may reveal that signal alterations will be necessary at Murray/Science Park to allow for safe bus turning movements. If so, this improvement may be eligible for credits against the development's Traffic Impact Fee.

Mr. Gustafson requested clarification of whether this motion includes No. 1 of Washington County's requirements.

Chairman Straus advised Mr. Gustafson that Nos. 1 and 3 of Washington County's requirements had been included in the motion.

Mr. Gustafson emphasized that this had not been a recommendation of the traffic study, adding that no findings or basis have been provided.

Mr. Osterberg referred to the letter from Washington County, dated May 9, 2002, and questioned whether the motion includes Item B-3.

Ms. Doukas informed Mr. Osterberg that the motion includes Item B-3 of the May 9, 2002 letter from Washington County.

Mr. Osterberg advised the Board that the City of Beaverton does not support that particular Condition of Approval.

Ms. Doukas clarified that this Condition of Approval provides for Washington County control right in the middle of the property.

Expressing his agreement with Ms. Doukas, Mr. Osterberg pointed out that this Condition requires that Washington County approve a circulation plan within the boundaries of the school campus, emphasizing that this issue is subject to the approval of the City of Beaverton. He pointed out that the elements of Item B-3 are inappropriate for adoption, noting that this would improperly defer a City of Beaverton land use decision to Washington County.

Observing that deleting this item would remove any substance from the Condition of Approval, Ms. Doukas suggested that this portion should be eliminated, and **AMENDED** her motion to include only Conditions of Approval Nos. 1 through 19, and amending Condition of Approval No. 20, as follows:

20. The NW Cornell Road/NW 143<sup>rd</sup> Avenue signal phasing will be changed from left turn permissive/protected to protected only. ~~This improvement may be eligible for credits against the development's Traffic Impact Fee.~~

Ms. Doukas stated that staff could prepare a finding with regard to Condition of Approval No. 20, based upon the evidence submitted by Washington County.

Ms. Antonio **ACCEPTED** the amendment to the original motion.

The question was called and the motion **CARRIED**, unanimously, with the exception of Mr. Beighley, who abstained from voting on this issue.

10:51 p.m. – Ms. Shotwell, Mr. Gustafson and Mr. Sparks left.

10:52 p.m. to 10:56 p.m. – break.

### **NEW BUSINESS:**

#### **PUBLIC HEARINGS:**

##### **A. BDR 2002-0003 -- PANDA EXPRESS AND RETAIL BUILDING TYPE 3 DESIGN REVIEW**

The following land use application has been submitted for development of an approximately 5,000 square foot Panda Express Restaurant and retail building.



The development site is generally located south of SW Canyon Road, east of SW 115th Avenue. The site can be specifically identified as Tax Lot 1100 on Washington County Assessor's Map 1S1-15AB. The site is zoned Regional Center – East End (RC-E) and is approximately 20.70 acres in size. Within the Regional Center – East End zone, eating and drinking establishments are permitted outright. A decision for action on the proposed development shall be based upon the approval criteria listed in Section 40.10.15.3.C of the Beaverton Development Code

Associate Planner Scott Whyte submitted the Staff Report and briefly described the request for a retail restaurant building located in the Beaverton Square Towne Shopping Center. He submitted a material sample board for consideration by the Board, observing that this area includes a pad that had been previously proposed for a transit bus stop. He pointed out that because ODOT is not in favor of changing the location of the bus stop presently located to the west of the gas station, the applicant would have to determine a new plan for this area that would not be used for this purpose. He noted that this area is currently pavement, pointing out that the applicant proposes to provide some landscaping and raise the grade in that portion of the site. Concluding, he recommended approval of the application and offered to respond to questions.

#### **APPLICANT:**

**SEAN WOOD**, representing *Group MacKenzie*, on behalf of *Panda Express*, introduced Dietrich Wieland, the Project Architect, adding that the Chief Architect for *Panda Express* and an additional planner from *Group MacKenzie* are also available to respond to questions or comments. Expressing his appreciation to the Board for extending this long evening and staff for their assistance on the project, he pointed out that the design addresses the goals and intentions of both the client and the City of Beaverton. Observing that the applicant has reviewed and concurs with Staff Report and proposed Conditions of Approval, he noted that Mr. Wieland would discuss some of the design aspects of this project.

**DIETERICH WIELAND**, Project Architect representing *Group MacKenzie* on behalf of *Panda Express*, provided a brief presentation describing the proposed design and features of the building, associated landscaping and parking and discussed the site and some of the adjacent properties and uses. Concluding, he offered to respond to questions.

#### **PUBLIC TESTIMONY:**

On question, no member of the public testified with regard to this application.

Mr. Whyte pointed out that if the Board is comfortable with the proposed landscape plan, Alternative “B” should be recognized and reflected within any motion for approval.

The public portion of the Public Hearing was closed.

Mr. Beighley **MOVED** and Ms. Shipley **SECONDED** a motion for the approval of BDR 2002-0003 – Panda Express and Retail Building Type 3 Design Review, based upon the testimony, reports and exhibits presented during the public hearings on the matter and upon the background facts, findings and conclusions found in the Staff Report dated May 2, 2002, including Conditions of Approval Nos. 1 through 14, and including Condition of Approval No. 15, as follows:

15. Alternative “B”, providing for the removal of the transit pad and landscaping, as submitted by the applicant on May 9, 2002, shall be the approved landscape plan.

The question was called and the motion **CARRIED**, unanimously.

11:07 p.m. – Mr. Whyte left.

**B. BDR2002-0013 - PRINCE OF PEACE LUTHERAN CHURCH – PHASE 1**

The applicant requests Design Review approval for the construction of a 16,990 square foot multi-purpose building upon the western portion of the subject site, between the existing church building and NW 143rd Avenue. The proposed new building will include a multi-purpose room, classrooms, kitchen and accessible restrooms. This application is the first phase of a two-phase master plan as approved through the December 24, 2001, City of Beaverton Conditional Use Permit (CUP2001-0017); the future second phase of development is foreseen to include demolition of the existing church building and construction of a new sanctuary and church facilities. The Board of Design Review will review the overall design of this request including the buildings, landscaping, and lighting design. In taking action on the proposed development, the Board shall base its decision on the approval criteria listed in Section 40.10.15.3.C. The proposed development is generally located at the northeast corner of the intersection of NW Cornell Road and NW 143rd Avenue. The development site can be specifically identified as 14175 NW Cornell Road, Tax Lot 6900 of Washington County Tax Assessor’s Map 1N1-33BB. The affected parcel is zoned Urban Standard Density (R-7) and totals approximately 3.6 acres in size.

Associate Planner Tyler Ryerson presented the Staff Report and briefly described the proposal, presented the proposed materials board, and recommended that Condition of Approval No. 23 be revised to reflect that the fence should be constructed at a height of five, rather than four feet; and that Condition of Approval No. 21 be revised to provide for approval of the site plan (Plan Sheet DR1), **as submitted on May 9, 2002.** Concluding, he recommended approval of the application, subject to certain Conditions of Approval, and offered to respond to questions.

Ms. Doukas requested clarification of the location of the bus stop.

Mr. Ryerson informed Ms. Doukas that the bus pad is located just to the west of the single access into the site, adding that a great deal of detailed analysis had been provided on the parking analysis when the original plan had been approved through a CUP in late 2001.

**APPLICANT:**

**LARRY ABELL**, architect representing *Architect LA* on behalf of the applicant, introduced Matthew Mattsson and Civil Engineer Steve Gramm also representing *Architect LA*, adding that representatives of the church are also available to respond to questions. He provided a brief history of the site, observing that the current application involves the first phase of the proposed project, emphasizing that the applicant had attempted to provide a plan that would work in conjunction with the existing building. He described the existing and proposed parking, and discussed the materials that had been selected for the project, including masonry and sandstone, adding that architectural features are proposed to break up the appearance of the walls that would be facing the neighbors. He pointed out that the wall facing NW 143<sup>rd</sup> Avenue includes a very subtle, sculpted and very attractive cross. Observing that the apartments would be able to view the roof, he noted that the copper roof has a sculpted form, adding that the proposed colonnade includes overhangs, to provide shade and shadow for the windows and add interest to the streetscape. He mentioned that at the request of staff, the applicant had provided a patio and a continuous walkway, providing full access on all sides of the building. Noting that a pedestrian entrance would be provided off of NW 143<sup>rd</sup> Avenue, he explained that the applicant would also strengthen and improve the pedestrian access off of NW Cornell Road along the existing road access. He mentioned that there would be bicycle parking adjacent to the plaza and entering what would be the future front door to the church. Noting that three Conditions of Approval had been added to the standard Conditions of Approval, he referred to Condition of Approval No. 21, adding that the applicant would like to obtain approval for the relocation of the modular buildings even though the maintenance building would be deferred until Phase 2. Referring to Condition of Approval No. 23, he pointed out that staff had requested that the applicant lower the five to six foot high fence, which would allow them to keep the top of the fence level due to the slope of the land. Observing that this is a safety issue for the students, he respectfully requested that the applicant be allowed to keep the top of the fence level, with a minimum of five-feet in height. On question, he advised Ms. Doukas that a lower fence could make it possible for an individual to reach over and remove a child from the day care.

Chairman Straus referred to an area that resembles a parking space or a turnout located just off of the main entry to the parking lot.

Mr. Abell informed Chairman Straus that he is referring to the access to the detention pond, adding that the proposal actually modifies this existing detention pond. Observing that this detention pond had been large enough to accommodate

the expanded parking, he noted that the proposal provides for the expansion of this detention pond in order to accommodate the building.

### **PUBLIC TESTIMONY:**

On question, no member of the public testified with regard to this application.

Mr. Ryerson pointed out that a motion should include revisions to Condition of Approval No. 23 with regard to the fence and Condition of Approval No. 21 regarding the site plan and plan sheets, adding that Condition of Approval No. 23 could actually be eliminated.

The public portion of the Public Hearing was closed.

Mr. Beighley **MOVED** and Ms. Shipley **SECONDED** a motion for the approval of BDR 2002-0013 – Prince of Peace Lutheran Church Type 3 Design Review, based upon the testimony, reports and exhibits presented during the public hearings on the matter and upon the background facts, findings and conclusions found in the Staff Report dated May 2, 2002, including Conditions of Approval Nos. 1 through 23, and providing for revisions, as follows:

21. The site plan, Plan Sheet DR1, **as submitted on May 9, 2002,** is the approved plan. Plan sheets depicting a maintenance facility and a modified location for the two modular buildings on the easterly end of the site are not approved.
23. The proposed fence along the frontage of NW Cornell Road and NW 143<sup>rd</sup> Avenue shall be constructed at a minimum height of five feet.

The question was called and the motion **CARRIED**, unanimously.

11:28 p.m. – Mr. Ryerson and Mr. Osterberg left.

### **APPROVAL OF MINUTES:**

The minutes of March 14, 2002, as written, were submitted. Chairman Straus requested that the roll call section of page 1 be amended, as follows: “Chairman ~~Gordon~~ **Stewart** Straus...” Mr. Beighley **MOVED** and Ms. Doukas **SECONDED** a motion that the minutes be adopted as written and amended.

The question was called and the motion **CARRIED** unanimously, with the exception of Mr. Beighley and Ms. Doukas, who abstained from voting on this issue.

The minutes of March 28, 2002, as written, were submitted. Chairman Straus requested that the roll call section of page 1 be amended, as follows: “Chairman

~~Gordon~~ **Stewart** Straus...” Mr. Beighley **MOVED** and Ms. Doukas **SECONDED** a motion that the minutes be adopted as written and amended.

The question was called and the motion **CARRIED** unanimously, with the exception of Chairman Straus and Ms. Antonio who abstained from voting on this issue.

The minutes of April 11, 2002, as written, were submitted. Chairman Straus requested that the roll call section of page 1 be amended, as follows: “Chairman ~~Gordon~~ **Stewart** Straus...” Mr. Nardoza requested that the roll call section of page 1 be amended to reflect that he was absent. Mr. Beighley **MOVED** and Ms. Doukas **SECONDED** a motion that the minutes be adopted as written and amended.

The question was called and the motion **CARRIED** unanimously, with the exception of Ms. Doukas, who abstained from voting on this issue.

The minutes of April 25, 2002, as written, were submitted. Chairman Straus asked if there were any changes or corrections. Mr. Beighley **MOVED** and Ms. Doukas **SECONDED** a motion that the minutes be adopted as written and submitted.

The question was called and the motion **CARRIED** unanimously.

The minutes of April 29, 2002, as written, were submitted. Chairman Straus asked if there were any changes or corrections. Mr. Beighley **MOVED** and Ms. Doukas **SECONDED** a motion that the minutes be adopted as written and submitted.

The question was called and the motion **CARRIED** unanimously.

#### **MISCELLANEOUS BUSINESS:**

The meeting adjourned at 11:33 p.m